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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|---------------------|------------------|
| 09/532,804 | 03/21/2000 | Khalid Monir A. El-Rafie | 03941.86972 | 7370 |

7590 10/02/2003

Banner & Witcoff Ltd
1001 G Street NW
Washington, DC 20001-4597

EXAMINER

EDELMAN, BRADLEY E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2153

DATE MAILED: 10/02/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary

Application No.

09/532,804

Applicant(s)

EL-RAFIE, KHALID MONIR A.

Examiner

Bradley Edelman

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, and 24, drawn to a terminal device system for communicating using two transmission media, classified in class 709, subclass 249.
 - II. Claims 10-16, drawn to an ISP and slave/master cache system for distributing data via satellite, classified in class 709, subclass 203.
 - III. Claim 17, drawn to a hierarchical cache, classified in class 711, subclass 118.
 - IV. Claims 18-19, drawn to a multicasting system on a satellite network, classified in class 455, subclass 3.02.
 - V. Claim 20, drawn to a system for maintaining a cache table, classified in class 707, subclass 101.
 - VI. Claims 21-22, drawn to a server management system, classified in class 709, subclass 223.
 - VII. Claim 23, drawn to a system for dynamically assigning IP addresses, classified in class 709, subclass 245.
 - VIII. Claim 25, drawn to a cable distribution system for downloading information, classified in class 725, subclass 104.

The inventions are distinct, each from the other because of the following reasons:

Inventions I through VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each invention has separate utility. For instance, invention I can be used in a satellite system that does not require any particular ISP, caching system, multicasting system, IP address assignment system, or cable distribution system. Invention II can be used in a distributed ISP networking environment that does not include particular driver and interface hardware, a hierarchical cache, multicasting, maintenance of a cache table, IP address assignment, or a cable system. Invention III does not require particular driver and interface hardware, an ISP slave/master system, multicasting, maintenance of a cache table, IP address assignment, or a cable system. Invention IV does not require particular driver and interface hardware, an ISP slave/master cache, a hierarchical cache, maintenance of a cache table, network management, IP address assignment, or a cable system. Invention V does not require particular driver and interface hardware, an ISP slave/master cache, a hierarchical cache, multicasting, IP address assignment, or a cable system. Invention VI does not require particular driver and interface hardware, an ISP slave/master cache, a hierarchical cache, multicasting specifics, maintenance of a cache table, IP address assignment, or a cable system. Invention VII does not require particular driver and interface hardware, an ISP slave/master cache, a hierarchical cache, multicasting specifics, maintenance of a cache table, network management, or a cable system. Invention VIII does not require does not require particular driver and interface hardware, an ISP slave/master cache, a hierarchical cache, multicasting

specifics, maintenance of a cache table, network management, or IP address assignment. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to Applicant's representative on September 29, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:


For all correspondences: (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

BE
September 30, 2003



GLENON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100